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U.S. PTO  
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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

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## UTILITY PATENT APPLICATION TRANSMITTAL

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	01-4795
First Inventor	David B. Edreich
Title	Cell Phone Retractable Earpiece
Express Mail Label No.	

110000  
U.S. PTO  
09/835906  
04/16/01

### APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

1.  Fee Transmittal Form (e.g., PTO/SB/17)  
(Submit an original and a duplicate for fee processing)
2.  Applicant claims small entity status.  
See 37 CFR 1.27.
3.  Specification [Total Pages ]  
(preferred arrangement set forth below)
  - Descriptive title of the invention
  - Cross Reference to Related Applications
  - Statement Regarding Fed sponsored R & D
  - Reference to sequence listing, a table, or a computer program listing appendix
  - Background of the Invention
  - Brief Summary of the Invention
  - Brief Description of the Drawings (if filed)
  - Detailed Description
  - Claim(s)
  - Abstract of the Disclosure
4.  Drawing(s) (35 U.S.C. 113) [ Total Sheets  ]
5. Oath or Declaration [ Total Pages  ]
  - a.  Newly executed (original or copy)  
Copy from a prior application (37 CFR 1.63 (d))  
(for continuation/divisional with Box 18 completed)
  - b.  DELETION OF INVENTOR(S)  
Signed statement attached deleting inventor(s)  
named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6.  Application Data Sheet. See 37 CFR 1.76

ADDRESS TO: Assistant Commissioner for Patents  
Box Patent Application  
Washington, DC 20231

7.  CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission  
(if applicable, all necessary)
  - a.  Computer Readable Form (CRF)
  - b. Specification Sequence Listing on:
    - i.  CD-ROM or CD-R (2 copies); or
    - ii.  paper
  - c.  Statements verifying identity of above copies

### ACCOMPANYING APPLICATION PARTS

9.  Assignment Papers (cover sheet & document(s))
10.  37 CFR 3.73(b) Statement  Power of  
(when there is an assignee)  Attorney
11.  English Translation Document (if applicable)
12.  Information Disclosure Statement (IDS)/PTO-1449  Copies of IDS  
Citations
13.  Preliminary Amendment
14.  Return Receipt Postcard (MPEP 503)  
(Should be specifically itemized)
15.  Certified Copy of Priority Document(s)  
(if foreign priority is claimed)
16.  Request and Certification under 35 U.S.C. 122  
(b)(2)(B)(i). Applicant must attach form PTO/SB/35  
or its equivalent.
17.  Other: .....

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

Continuation  Divisional  Continuation-in-part (CIP)

of prior application No.: \_\_\_\_\_

Prior application Information:

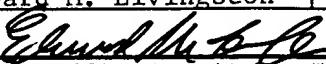
Examiner \_\_\_\_\_

Group Art Unit: \_\_\_\_\_

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

### 19. CORRESPONDENCE ADDRESS

<input type="checkbox"/> Customer Number or Bar Code Label				or <input checked="" type="checkbox"/> Correspondence address below	
Name	Edward M. Livingston, Esq.				
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	P.O. Box 1599				
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Name (Print/Type)	Edward M. Livingston	Registration No. (Attorney/Agent)	28,523
Signature			Date 16 Apr 2001

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

LAW OFFICES

**EDWARD M. LIVINGSTON, P. A.**

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April 16, 2001

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**VIA U.S. EXPRESS MAIL/POST  
OFFICE TO ADDRESSEE NO. EK079771462US**

**BOX PATENT APPLICATION**  
Commissioner of Patents and Trademarks  
2011 Jefferson Davis Highway  
Arlington, VA 22202

Re: **CELL PHONE RETRACTABLE EARPIECE**  
Applicant: David B. Edreich  
Attorney Docket No.: 01-4795

Dear Sir/Madam:

Enclosed herewith for filing, on behalf of the captioned inventor, please find the following:

1. Utility Patent Application Transmittal
2. Patent Application;
3. Three (3) Sheets of Drawings;
4. Combined Declaration and Power of Attorney
5. Our check in the sum of \$355.00 covering the following:

Basic Fee: \$355.00

**Additional Fees:**

Total number of claims in excess of 20, times \$9.00/each: (-0-)	0.00
Number of Independent Claims in excess of 3, times \$40.00/each (-0-)	0.00
Multiple Dependent Claims, \$135.00 per application	0.00
<b>TOTAL FILING FEES</b>	<b>\$355.00</b>

April 16, 2001

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A key to the drawings listing the numbers and names of the components in the preferred embodiment is included in the specification for the Examiner's convenience.

In accordance with the rules and for the convenience of the Examiner, copies of any prior art cited in this application and/or noted on the Form PTO-1449 are also enclosed.

Kindly acknowledge receipt of these documents by stamping the enclosed postcard and returning same to our office.

After this application has been given a filing number and date, please forward same to the undersigned. If you have any questions, please do not hesitate to contact this office.

Very truly yours,



Edward M. Livingston  
Pat. Atty. Reg. No. 28,523

EML/mao

Enclosures- Noted

Form PTO-1449 with cited Patents  
Postcard

pc: Applicant (w/encs.)

**CERTIFICATE OF MAILING by "EXPRESS MAIL"**  
**UNDER 37 CFR 1.10**

I HEREBY CERTIFY that this letter of transmittal and documents described therein are being deposited with the United States Postal Service by "Express Mail Post Office to Addressee" service, U.S. Express Mail No. EK079771462US, on the 16 day of April, 2001, addressed to the Commissioner of Patents and Trademarks, 2011 Jefferson Davis Hwy., Arlington, VA 22202.



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Legal Assistant